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FOREIGN SERVICE DESPATCH

FROM : AMEMBASSY, MANAGUA DESP. NO. 179

TO : THE DEPARTMENT OF STATE, WASHINGTON. DATE December 13, 1954

REF : Dept's Instruction A-40 of December 9, 1954

For Dept. Use Only	ACTION	DEPT.
	REC'D	INFO OTHER

SUBJECT: FCN Treaty Negotiations

There are transmitted herewith five copies of a Memorandum dated November 17, 1954, together with five copies of a covering Memorandum of Conversation to the Foreign Office, concerning the proposed Treaty of Friendship, Commerce and Navigation. The Memorandum is based on the Department's instructions and was mimeographed in order that the Foreign Office might circulate it among the interested Government agencies. As will be noted from the Memorandum of Conversation, the Foreign Office has been advised that the Embassy is authorized to proceed with the negotiation of the proposed Treaty in Managua and that the Embassy is ready at any time to discuss with the Nicaraguan authorities all matters in the premises.

The Vice Minister of Foreign Affairs, Dr. Alejandro MONTIEL, stated that the Vice Minister of Economy, Dr. Alejandro BACA MUÑOZ, would probably handle the negotiations for Nicaragua. In view of the absence from Managua of the Minister of Economy, Dr. Enrique DELGADO, who attended the Rio Economic Conference, the Embassy has not pressed Dr. Baca Muñoz to begin discussions as he was busy as Acting Minister of Economy. The Embassy will endeavor to expedite action by the Nicaraguan authorities.

For the Ambassador:

Carlos J. Warner
First Secretary of Embassy

Enclosures:
As stated above

DEPARTMENT OF STATE A/CDC/MR
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DEPARTMENT OF STATE
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TREATY BRANCH
OFFICE OF THE LEGAL ADVISER

GJWarner/ew
REPORTER

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SUBJECT	TREATY WITH ITALY	TREATY WITH NORWAY
37. General Exceptions	Art. XXIV. The list of exceptions from the coverage of the treaty as a whole, from the most-favored-nation treatment provisions, or from specific provisions of the treaty, is more extensive than in any similar treaty now in force.	Art. I, VII. The treaty with Norway does not contain an article dealing solely with exceptions, as does the Italian treaty. In Articles I and VII, however, there are a number of exceptions comparable to some of those in the Italian treaty. The list is much less extensive, however.
38. Waiver of Immunities of Publicly Controlled Enterprises	Art. XXIV(6). Immunity from taxation, suit, etc. not to be enjoyed by a publicly owned or controlled enterprise of one party engaged in business in territories of other party.	No comparable provision.
39. Rights of Private Enterprises in Competition with Public Enterprises	Protocol(2). Rights of an economic nature enjoyed by public enterprises engaged in business in competition with private enterprises shall, with certain exceptions, be extended to such private enterprises.	No comparable provision.
40. Territorial Scope	Art. XXVI. With certain exceptions, treaty to extend to all territory under sovereignty or authority of either party.	Art. XXIII. With certain exceptions, treaty to extend "to all areas of land, water, and air over which the parties respectively claim and exercise dominion as sovereign thereof".
41. Adjudication of Disputes	Art. XXVI. Disputes as to interpretation or application of the treaty to be submitted to International Court of Justice, unless parties agree to settlement by other means.	No comparable provision.
42. Duration and Termination of Treaty	Art. XXVII. Treaty to remain in force initially for ten years, terminable thereafter on one year's notice.	Art. XXIX. Treaty to remain in force initially for three years, terminable thereafter upon one year's notice.
43. Protocol	Purpose of the provision of protocol is to clarify and construe certain provisions of treaty.	There is no protocol to this treaty.
44. Additional Protocol	Purpose of the Additional Protocol is to relax certain provision of treaty as necessary during period of Italy's economic recovery from the war.	There is no protocol of this nature attached to this treaty.